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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,237	03/31/2004	Shuenn-Fa Jiang	BP4002-J9-P17	4830
47093	7590	10/04/2005	EXAMINER	
SHUENN-FA JIANG 235 CHUNG-HO BOX 8-24 TAIPEI HSIEN, 235 TAIWAN			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/813,237	JIANG, SHUENN-FA	
	Examiner	Art Unit	
	Adam C. Rehm	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over SKEGIN ET AL. (US 6,565,234) and CARLSON (US 2,701,840). SKEGIN discloses the claimed invention, including a counter light fixture (10) comprising:

- A long, wide reflective mask/mask made of metal (42/50, Column 4, Lines 44-45, Fig. 4);
- Two clamping seats at two sides of the mask (16, Fig. 1);
- A lamp frame behind the mask (12, Fig. 4);
- A light emitting body installed in the frame (46);
- A transparent plate connected to and below the mask (60);
- A circuit box (26);
- A recess for engaging the plate via moving the plate upwards and then into the recess (61, Fig. 4);
- A mounting slot for inserting mounting screws for suspending/fixing the cabinet lamp (88, Fig. 6); and
- A bottom plate attached to bottoms of the clamping seats (24, Fig. 1).

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2. SKEGIN does not disclose a transparent plate connected to the mask via a stud that is swingable and slidable into a recess with the plate moving backwards to disengage the recess for access to the light body or a hinge. However, CARLSON teaches a ceiling lighting fixture having a lens/window (34) that is swingable and slidable into a recess (32,36, Fig. 6) for the purpose of maintaining a desired assembled relation (Column 2, Lines 15-22). It would have been obvious to one of ordinary skill in the art at the time of invention to modify SKEGIN and use the plate assembly as taught by CARLSON in order to maintain a desired assembled relation of a pivotally positionable transparent plate that avoids misplacement and possible damage of the transparent plate during bulb replacement or fixture maintenance.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over SKEGIN ET AL. (US 6,565,234) in view of CARLSON (US 2,701,840) as applied to Claim 1 above, and further in view of KANAREK (US 5,226,724). SKEGIN in view of CARLSON discloses the claimed invention, but does not disclose a cabinet lamp having either side outfitted with a conductive wire electrically connected to a circuit box. However, KANAREK discloses a lighting system (52) having either end equipped with electrical receptacles (44L/44R) in order to join together a number of modules (52, Column 3, Lines 13-19). It would have been obvious to one of ordinary skill in the art at the time of invention to modify SKEGIN in view of CARLSON and use the dual electric receptacles as taught by KANAREK in order to join a plurality of modules.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over SKEGIN ET AL. (US 6,565,234) in view of CARLSON (US 2,701,840), which discloses the claimed invention as applied to claim 1 above including key-shaped slots in the top of the frame (SKEGIN 88, Fig. 6), but does not disclose cruciform slots. However, it has been held that absent evidence that a particular choice of shape is significant, changes in shape are a matter of choice which a person of ordinary skill in the art would find obvious. *In re Dailey*, 357 USPQ 47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify SKEGIN and use slots of various shapes, including cruciform for engaging screws, hangars or the like, since applicant has not disclosed that using cruciform slots solves any stated problems or is for any particular purpose and it appears that the claimed invention would perform equally well with any other type of slot, such as the key slots of SKEGIN, in order to facilitate engagement with screws, hangars or the like.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over SKEGIN ET AL. (US 6,565,234) in view of CARLSON (US 2,701,840), which discloses the claimed invention as applied to claim 1 above including a bottom plate attached to bottoms of the clamping seats (SKEGIN 24, Fig. 1), but does not disclose a bottom plate attached to clamping seats by screwing. However, fastening means and particularly screws are notoriously well known in the art for secure attachment. Furthermore, SKEGIN discloses that the plate can be removed without removing screws (Column 4, Lines 24-29). As such, it would have been obvious to modify SKEGIN and

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incorporate the screws as a matter of design choice, since SKEGIN discloses the use of screws in addition to the fact that applicant has not disclosed that using screws solves any stated problems or is for any particular purpose and it appears that the claimed invention would perform equally well with other fastening means, such as the snap-in fastening means of SKEGIN, in order to facilitate removable fastening of the bottom plate to the clamping seats/frame.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over SKEGIN ET AL. (US 6,565,234) in view of CARLSON (US 2,701,840), which discloses a reflective mask (SKEGIN 42 Fig. 4), but does not specifically disclose whether the reflective mask is painted. However, reflectors and the reflective surfaces thereof, whether coated or uncoated, are well known in the art and it would have been an obvious matter of design choice to modify SKEGIN and paint the reflector to render the surface reflective, since applicant has not disclosed that a painted reflector solves any stated problems or is for any particular purpose and it appears that the claimed invention would perform equally well with an unpainted reflector given the surface is, in fact, "reflective" per SKEGIN.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. KNAUF (US 4,941,071) discloses a quick-mount arrangement for a lighting fixture.

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8. GORALNIK (US 4,910,650) discloses a ceiling light fixture with a diffuser designed to mount via laterally pivoting in order to engage a lip.
9. JANOS ET AL. (US D440,692) discloses an under cabinet lighting fixture having electric receptacles on either end of the fixture.

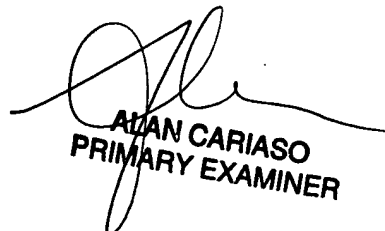
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
9/28/2005


ALAN CARIASO
PRIMARY EXAMINER